

IN THE DRAWINGS

Substitute the enclosed four (4) Replacement Sheets, containing figures 1-6b for the original four drawing sheets.

REMARKS

Reconsideration and removal of the grounds for rejection are respectfully requested.

Claims 1-10 were in the application, claims 1-10 have been amended and new claims 11-22 have been substituted therefore.

The drawings were objected to as Figure 1 showed hidden lines in solid form instead of as dashed lines. This correction has been made to Figure 1, and each of the other figures has been improved with straighter lines, and to improve clarity. By this submission, it is believed that the objection is now moot.

The specification was objected to for deficiencies in format, section headings, grammar, spelling and for improper references to the claims. Due to the large number of corrections required, a substitute specification is being submitted herewith, together with a copy showing the corrections made, using strike-out and underlining. By this submission, it is believed that the objections to the specification have been rendered moot.

Claims 1-10 were objected to and rejected under 35 USC 112, second paragraph for various deficiencies. Each of the issues raised by the examiner was taken into consideration in the preparation of new claims 11-22. By the cancellation of claims 1-10, this objection and rejection has been rendered moot, and it is believed that new claims 11-22 are now in proper form.

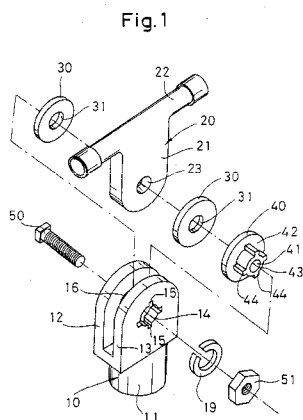
Claims 1-4, 9 and 10 were rejected as being anticipated under 35 USC 102(b) by U.S. patent no. 5,154,382 ("Hoshino").

To have anticipation, each and every element of the claim must be found in a single prior art reference W.L. Gore & Assoc. V. Garlock, Inc. 721 F.2d. 1540 (Fed. Cir. 1983). "Lack of

novelty (often called ‘anticipation’) requires that the same invention, including each element and limitation of the claims, was known or used by others before it was invented by the patentee” Hoover Group, Inc. v. Custom Metalcraft, Inc., 66 F.3d 299, 302, 36 U.S.P.Q.2D (BNA) 1101, 1103 (Fed. Cir. 1995) (emphasis added)

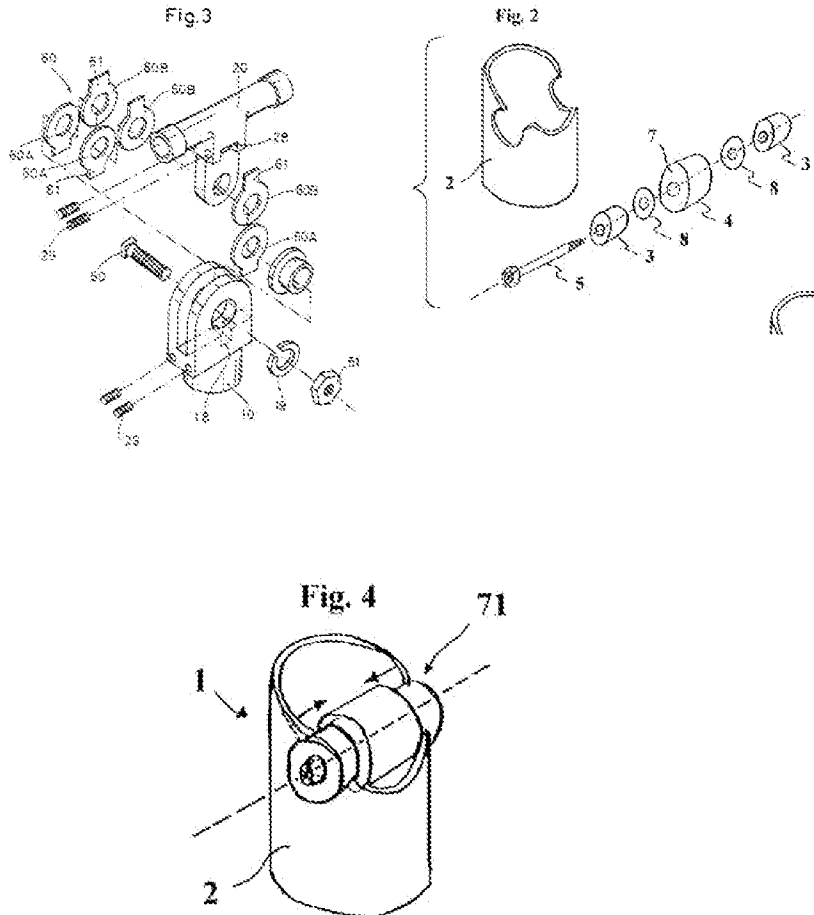
Anticipation requires the reference to describe all the elements of the claims, arranged as in the patented device. Shearing v. Iolab Corp., 975 F.2d 1541, 1544-45, 24 U.S.P.Q.2D (BNA) 1133, 1136 (Fed. Cir. 1992); Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2D (BNA) 1913, 1920 (Fed. Cir. 1989); Perkin-Elmer Corp. v. Computervision Corp., 732 F.2d 888, 894, 221 U.S.P.Q. (BNA) 669, 673 (Fed. Cir. 1984); C.R. Bard, Inc. v. M3 Sys., Inc., 157 F.3d 1340, 1349 (Fed. Cir., 1998).

Anticipation requires strict identity, without guessing what the reference discloses. Dayco Products, Inc. V. Total Containment Inc., 329 F.3d 1358 (Fed. Cir. 2003). A claim cannot be “anticipated” by prior art that does not have all of the limitations in the claim. Helifix Ltd. v. Blok-Lok, Ltd., 208 F.3d 1339, 1346 (Fed. Cir. 2000); SmithKline Beecham Corp. v. Apotex Corp., 439 F.3d 1312, 1324 (Fed. Cir. 2006).



In Hoshino, an angle adjustment mechanism includes a first member 10 having a first support wall 12 into which a tightening bolt 50 is inserted and a second support wall 13 for receiving a nut 51 which is screwed onto the tightening bolt. A second member 20 has a third holding wall 21 disposed between the first and second support wall of the first member. One or more friction disks are provided on both sides of the

third holding wall. A holding fitting 40 is provided inside the second support wall 13 and includes a compressive part 19 which compressively tightens the friction discs due to tightening the support walls 12 and 13 with the bolt and nut.



Note that the compressive force and the friction force are provided by tightening the bolt and nut, pulling the support walls together, and that the tubular portion is disposed below the adjustment assembly, and plays no role in the adjustment device function.

On the other hand, the applicants' invention provides an assembly that resides within two openings in the wall of a pipe stud, with the pipe being deformable and therefore able to create compressive forces in the direction of the axis of rotation; the compressive force is not

created by tightening a bolt and nut. No pipe containing opposed openings in a rim, with the pie exerting a compressive force to a second object, as shown above is found in Hoshino.

As each and every element of claim 11 and the claims depending therefrom are not found in Hoshima, exactly arranged as in the applicants' invention, claims 11-22 are not anticipated thereby.

Based on the above amendments and remarks, favorable consideration and allowance of the application are respectfully requested. However, should the examiner believe that direct contact with the applicant's attorney would advance the prosecution of the application, the examiner is invited to telephone the undersigned at the number given below.

Respectfully submitted,

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